

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13815 of Stoney and Shirley Cookes, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the prohibition against enlarging a structure which now exceeds the lot occupancy requirements (Paragraph 7107.21), the rear yard requirements (Sub-section 3304.1 and Paragraph 7107.22) and the lot occupancy requirements (Sub-section 3303.1 and Paragraph 7107.23) to extend an existing rear deck of a semi-detached dwelling in an R-4 District at the premises 433 - 6th Street, N.E., (Square 862, Lot 161).

HEARING DATE: September 8, 1982
DECISION DATE: October 6, 1982

FINDINGS OF FACT:

1. The subject property is located at the southeast corner of the intersection of 6th and E Streets, N.E. and is known as premises 433 - 6th Street, N.E. It is in an R-4 District.

2. The subject property is rectangular in shape measuring approximately twenty-nine by sixty feet and contains approximately 1,766 square feet of land area. The site is improved with a two-story brick semi-detached dwelling with basement occupied as a single family residence which was constructed in 1911.

3. The site is further improved with an existing rear deck of approximately three feet, nine inches in depth by twenty-one feet, four inches in width. A brick wall encloses the rear yard. The rear yard is elevated approximately three feet above the level of the abutting sidewalk and public alley and is enclosed by a stone retaining wall. A garage is located at the basement level within the structure with, driveway access from E Street.

4. The site is joined on the east by a ten foot wide public alley followed by a row of two-story brick row dwellings in the R-4 District. To the south are row dwellings of a similar character to the subject structure with frontage on 6th Street in the R-4 District. To the west across 6th Street are apartment houses and row dwellings in the R-4 District. To the north and northwest are row dwellings and apartment houses in the R-4 District.

5. The applicants proposes to construct an extension of the existing rear deck by approximately five feet, three inches by twelve feet, six inches making the overall deck approximately eight by twenty-one feet.

6. The extension would make the deck more usable since the present depth of three feet nine inches makes it impractical to use except for storage.

7. The extension would be constructed into the rear yard and would not be visible from outside the subject property because of the brick wall enclosure.

8. Stair access will be maintained from the deck to the rear yard. New steps will be constructed from the rear yard to the garage below the deck.

9. The subject structure is non-conforming with respect to lot occupancy and the rear yard requirements of the R-4 District. The addition will provide approximately 89.25 square feet of coverage. Because of the existing non-conformity, a variance of 420.99 square feet or 59.6 percent is required. The addition will provide a rear yard of 7.83 feet requiring a variance of 12.17 feet or 60.9 percent.

10. The R-4 District requires a lot area of 1,800 square feet. The lot contains 1,765.97 square feet. No side yard is required. If a side yard is provided, a minimum width of eight feet is required. The existing building has a side yard of 4.25 feet.

11. Similar rear decks and additions exist on other properties on the same street.

12. The subject property is in the Captiol Hill Historic District and the addition is subject to approval by the Joint Committee on Landmarks. The applicant's representative stated that tentative approval for the addition had been given by the Joint Committee.

13. The Stanton Park Neighborhood Association, by letter, stated its opposition to the application on the grounds that it fails to present pracatical difficulty or economic hardship.

14. In response to the issue raised by the Stanton Park Neighborhood Association, the Board finds that there is a practical difficulty which is inherent in the property itself. The structure was built in 1911 prior to the current Zoning Regulations which made the site non-conforming as to lot area, lot occupancy and side yard requirements. As to the economic hardship, the Board finds that issue immaterial to the subject application.

15. There was no opposition to the application at the public hearing.

16. No report from Advisory Neighborhood Commission 6A was received in the record.

CONCLUSIONS OF LAW AND OPINION:

Based on the foregoing findings of fact and the evidence of record, the Board concludes that the applicant is seeking an area variance the granting of which requires the showing of a practical difficulty inherent in the property itself. The Board concludes that there are practical difficulties unique to the subject property. The construction of the subject structure predates the adoption of the present Zoning Regulations. It occupies approximately sixty percent of the lot. The depth of the lot is exceptionally shallow for the size building which occupies it. The size of the existing deck renders it impractical to use. A minor increase in the size of the deck to eight feet is not unreasonable and provides for a useable deck area.

The Board further concludes that the relief requested can be granted without causing substantial detriment to the public good. The rear yard of the subject property is walled-in. The deck will not be visible from the street or the adjacent alley. Similar decks exist on nearby properties.

The Board is further of the opinion that the relief sought can be granted without substantially impairing the intent, purpose and integrity of the zone plan. Accordingly it is ORDERED that the application is hereby GRANTED.

VOTE: 4-0 (Douglas J. Patton, Connie Fortune, Walter B. Lewis and Charles R. Norris to grant; William F. McIntosh not voting, not having heard the case).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:



STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: JAN 27 1983

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS AND INSPECTIONS.

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